

REMARKS

The Examiner's action dated April 18, 2006, has been received, and its contents carefully noted.

In response to the restriction requirement, applicant hereby provisionally selects Group I, device claims 1-9, for prosecution on the merits in the present application, with the right to file divisional applications for the non-elected claims being retained.

However, the requirement is traversed, with respect to claims 10-13, in view of the present amendment to claim 10 to specify that the sampling method is performed with a capsule as defined in claim 1. Since, therefore, claims 10-13 depend from claim 1, and define a method according to which the capsule of claim 1 will be used, it is submitted that claims 10-13 should properly be examined with claims 1-9 and that this would not pose any additional burden on the Examiner.

The requirement is also traversed with respect to claims 14-19. In support of the restriction between claims 1-9, on the one hand, and claims 14-19, on the other hand, the Examiner has taken the position that the product as claimed can be made by another and materially different process "such as extrusion". Such a view does not justify the restriction requirement because claim 14 does not exclude extrusion, to

the extent that this technique could be employed to produce the capsule disclosed in the present application.

Accordingly, it is requested that the restriction requirement be withdrawn and that all claims be examined on the merits. In the alternative, it is requested that the restriction requirement be withdrawn with respect to Groups I and II so that claims 10-13 will be examined with the elected claims.

An action on the merits is requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By /Jay M. Finkelstein/
Jay M. Finkelstein
Registration No. 21,082

JMF:nlw
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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